

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JATIA TAVARUS BARRETT,</b>	:	<b>CIVIL ACTION NO. 1:24-CV-1780</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Neary)</b>
	:	
<b>v.</b>	:	
	:	
<b>WARDEN BETH RICKARD et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 21st day of February, 2025, upon review of plaintiff's application for leave to proceed *in forma pauperis*, and further upon review of the complaint pursuant to 28 U.S.C. § 1915(e)(2) and 28 U.S.C. § 1915A, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Plaintiff's application for leave to proceed *in forma pauperis*, (Doc. 8), is GRANTED.
2. Plaintiff shall pay the full filing fee of \$350.00 based on the financial information provided in the application to proceed *in forma pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation. Pursuant to 28 U.S.C. 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at plaintiff's place of confinement, is directed to deduct an initial partial filing fee of 20% or the greater of:
  - a. The average monthly deposits in the inmate's prison account for the past six months, or
  - b. The average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, 235 N. Washington Avenue, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in plaintiff's inmate trust

fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

3. The Clerk of Court is DIRECTED to send a copy of this order to the Superintendent/Warden of the institution where plaintiff is presently confined.
4. Plaintiff's civil rights claim filed pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) based on an alleged traffic accident is DISMISSED with prejudice.
5. Plaintiff's remaining Bivens claim is DISMISSED without prejudice.
6. Plaintiff's motion for voluntary dismissal of all claims against defendant Beth Rickard (Doc. 7) is GRANTED.
7. The Clerk of Court is directed to terminate defendant Rickard and all John Doe defendants from the docket of this case.
8. Plaintiff's motion for leave to conduct discovery to facilitate service of process on the John Doe defendants (Doc. 6) is DENIED as moot.
9. The Clerk of Court is directed to add the United States of America as a defendant on the electronic docket of this case.
10. Plaintiff may file an amended complaint on or before **March 21, 2025**, to cure the deficiencies identified in the court's memorandum opinion. Any amended complaint filed pursuant to this order shall be filed to the same docket number as the instant action, shall be entitled "Amended Complaint," and shall be complete in all respects. It shall be a new pleading that stands by itself as an adequate complaint under the Federal Rules of Civil Procedure.
11. If plaintiff does not file an amended complaint by the above date, the original complaint shall remain the operative pleading in this case, the case shall proceed solely with respect to plaintiff's claims filed pursuant to the Federal Tort Claims Act ("FTCA"), the United States shall be the only named defendant, and all other defendants shall be terminated from the case for the reasons stated in the accompanying memorandum.

12. Service of process on the United States is deferred pending the possible filing of an amended complaint. If no amended complaint is filed by the above deadline, the court will direct the Clerk of Court to serve the United States with a copy of the original complaint.

/S/ KELI M. NEARY

Keli M. Neary  
United States District Judge  
Middle District of Pennsylvania